

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF PUERTO RICO**

3 **UNITED STATES OF AMERICA,**

4 **Plaintiff,**

5 **v.**

CIVIL NO. 12-2039 (GAG)

6 **GOVERNMENT OF PUERTO RICO, et al.,**

7 **Defendants.**

8 **ORDER CLARIFYING MAY 22, 2017 SECOND PUBLIC HEARING AGENDA AND**
9 **SCOPE OF HEARING**

10 On April 19, 2017, the Court issued the order setting the agenda for the May 22, 2017
11 public hearing, to be held in Ponce, Puerto Rico. (See Docket No. 509.) The Court takes judicial
12 notice that, since then, several incidents have occurred involving the Puerto Rico Police and
13 protesters. For example, the April 18, 2017 events at the capitol building (in which the Technical
14 Compliance Advisor (“TCA”) was present), as well as yesterday’s events at the foundation of
15 former Governor Sila M. Calderón (in in which the TCA was not present). As a result of said
16 incidents, civil rights groups such as the American Civil Liberties Union (“ACLU”) have
17 denounced police practices. On the other hand, the Puerto Rico Government has justified the
18 police presence.

19 At the outset, the Court hereby clarifies its April 19, 2017 scheduling order to inform all
20 May 22, 2017 deponents that **it will not address at the public hearing any and all matters**
21 **pertaining to the aforementioned incidents, nor any other such ones that may occur in the**
22 **future.** The public hearing is not a trial mechanism to determine the liability or fault of police
23 officers and protesters. Local and federal law enforcement authorities are responsible for
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1 investigating the matter, and prosecuting any individuals who may have violated the law, including
2 any police officers who violate the civil rights of the citizenry. More so, any aggrieved
3 individual(s) can also file the corresponding civil action. In other words, the Court's enforcement
4 jurisdiction cannot be used to thwart criminal and civil processes. More so, the TCA has indeed
5 observed and received information regarding said incidents. In due course, he will assess the same
6 and make the necessary recommendations to the parties, as well as make any corresponding report
7 to the Court.

8 Accordingly, the only matters that will be addressed by the deponents at the May 22, 2017
9 hearing are the following:

- 10 1. Act No. 20 of April 20, 2017
- 11 2. U.S. Department of Justice's current position regarding modifications and/or amendments
12 to the Agreement, if any
- 13 3. Capacity building period compliance by the Puerto Rico Police thus far

14 Given these three issues, and the number of scheduled deponents, no other matters shall be
15 addressed on said date. Otherwise, discussion of these three issues will not adequately take place.
16 Of particular importance to the progress of the Reform, is the Government of Puerto Rico
17 explaining how, despite the passage of Act No. 20-2017, the Reform process will continue to move
18 ahead as stipulated by the parties, and approved by the Court. Thus, the "any other concerns or
19 issues" items in the agenda will be strictly limited in scope to additional issues pertaining to the
20 three items for discussion.

21 The deponents are again reminded that on or before Friday, May 19, 2017, at noon, they
22 must submit their written statements to the Court. No extension will be allowed, given that the
23 Court has to review the same during the weekend.

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1 Finally, the Court notes that the Puerto Rico Government recently suggested an in-camera
2 hearing. (See Docket No. 506.) While the matter may now be moot, given the Court's Order at
3 Docket No. 508, the parties are reminded that any such issues should at the outset be resolved and
4 discussed with constitutional counsel to the TCA.

5 **SO ORDERED.**

6 In San Juan, Puerto Rico this 26th day of April, 2017.

7 */s/ Gustavo A. Gelpí*
8 GUSTAVO A. GELPI
9 UNITED STATES DISTRICT JUDGE
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